

**Special Meeting December 4, 2006
Room 126, Town Hall
7:30 A.M.**

Woodlands at Laurel Hill Discussion

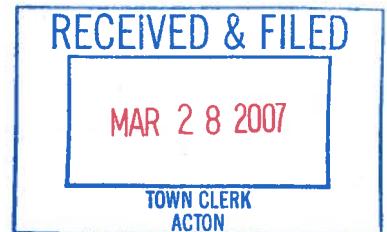
Walter called the meeting to order at 7:30 a.m.

Dan Hill our attorney was introduced

John Murray discussed the Conservation Restriction, and that a resolution to this issue was needed. The Town has presented three plans (options) and need that the Board needs to vote one and move forward.

Walter Foster asked Andy to make his presentation.

Woodland came to the Conservation Commission with a plan to delineate the wetlands. Andy did a site inspection when he was on the Conservation Commission. He noted that at that time he walked up the wetland line and found there were considerably more wetlands than mapped and he eventually came to a rather large wetland area. The Plan said that it was a detention basin. No Basin was ever built: it was on the plan but not constructed. They had cut trees years before but had not constructed the detention basin. Andy said it came to a point and the Conservation Commission did not want to fight the jurisdictional issue in court and would allow the basin to go forward as a created wetland basin. The parking lots came up close to the wetlands and the drainage was under the parking lot. The negotiations produced new buildings without the subsurface drainage. Andy said that the Conservation Restriction was to allow them to squeeze surface detention up closer to the wetlands on the project side, but put greater protection setbacks on the far side. Woodlands had an agreement to sell a small parcel to Jim Fenton. They prepared a Conservation agreement and plan for the project. Andy noted the plan now proposed is not a Conservation Restriction as had been agreed to, but rather it is a deal between the Town and them. It would not have the benefit of State review and approval of these restrictions, and would therefore not be acceptable under the ConComm's terms. Steve Anderson had advised us that we could handle this later. Andy had a problem with the language and it said we would have to have a Conservation Restriction that would reserve various rights in 3A. Andy noted that the language was something EOEA would accept in a Conservation Restriction. Andy said that they should take out the reference to septic and utilities and simply state that the applicant be allowed to repair the storm water retention system. It seemed like a reasonable suggestion. The Applicant stated that there was a bit of the driveway was going to cut the corner of the site, as would the guard rail and electric lines, which is why they need the language for the utilities and the encroachment. Andy said to accommodate the little piece for the grading to come down to Westford Lane and the utility pole and the Board



could just pull the Conservation Restriction 10 feet away from the roadway and the applicant could leave out the septic language. That did leave an existing pole on the 10 foot line. Don called Andy and said there was a problem and to bring it back 15 feet. And Don said make it 13 and every thing is captured. Andy said that it was acceptable and that is why we are back reviewing this.

Walter asked about the three motions. ANDREW MAGEE - Moved to accept the first motion 13-10-5 Compromise Proposal. DORE' HUNTER – second.

David Hale said he was not in favor of this motion. He has to record the papers tomorrow. He only has Mylar's for the 10 foot and the 15 foot Motions. He noted the Conservation Restriction will allow the project to be built. Walter asked if the 10 foot would be acceptable.

David Hale said that the NStar has a right of way. He wanted the original plan approved.

ANDREW MAGEE – Moved to vote the 13-10-5 Compromise Proposal. DORE' HUNTER –second.

Andy said that this needs to go to EOEA. David said that the agreement was that it does not need to go to EOEA; they offered to send it to EOEA. They may need to go back for an extension but to record this and voluntary go to EOEA. Andy noted the agreement had always been to have an EOEA-approved Conservation Restriction.

Andy was comfortable to move forward if they agreed to go to EOEA. He was more comfortable with the 10 foot proposal.

Lauren asked why it was coming so late. David said a draft of this has been with the Town since Jan 05. The ZBA has signed off. David said that filing for the Conservation Restriction would have been imprudent because of little changes that are made. They wanted to get the plans settled before coming for the approval.

Dore' said that the 10 foot was acceptable.

Peter said that if everyone was comfortable

Dan Hill spoke about EOEA guidelines and they feel it is sufficient for public purpose. He could add to this if they were uncomfortable, and noted that this land would not be open for public access.

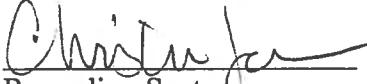
Dan Hill asked the applicant if Avalon would be happy with the 10 foot proposal. David Hale said yes.

Dore' withdrew the former "13-10-5 Compromise Proposal motion.

DORE' HUNTER – Moved pursuant G.L.c.50 section 8C, to approve the grant of a Conservation Restriction to the Town of Acton, acting by and through its Conservation Commission, in the form attached hereto; provided that the Premises Description (Exhibit A to the Conservation Restriction) shall consist of a Plan showing the Premises which are subject to the Conservation Restriction substantially as shown as "Town of Acton Conservation Restriction Easement Area 3" on the plan entitled "Conservation Restriction Easement Plan of Land in Acton and Westford Massachusetts," prepared by Stamski and McNary, inc., Scale 1" = 100' dated June 21, 2006, revised July 26, 2006, and stamped by William F. McNary, RPLS 30 753, on December 1, 2006 attached hereto. PETER ASHTON – second. UNANIMOUS VOTE.

Andy updated the Board about the Brewster Lane Affordable Unit. Andy will review the tape and get back to the Board next Monday

Board adjourned at 8:00 a.m.


Recording Secty
Christine Joyce


Clerk
3/26/07
Date:

Selectmen's Minutes
December 4, 2006